

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

WINKLEVOSS CAPITAL FUND, LLC,

Plaintiff,

v.

CHARLES SHREM,

Defendant.

Case No.

**AFFIDAVIT OF SAM FERGUSON
IN SUPPORT OF EX PARTE
APPLICATION FOR
PREJUDGMENT ATTACHMENT**

18 CV 8250

I, Sam Ferguson, hereby declare as follows:

1. I am member of the California Bar and a senior attorney at the Meade Firm p.c., counsel for Plaintiff Winklevoss Capital Fund, LLC ("WCF") in the above referenced matter.

Except as to matters stated on information and belief, I have personal knowledge of the information referenced herein and could competently testify as to its truth if called to do so. As to matters stated on information and belief, I am informed and believe them to be true.

2. On or around August 22, 2017, I called the main line of the U.S. Attorney's Office for the Southern District of New York to inquire if Defendant Charles Shrem had satisfied the judgment for \$950,000 in restitution against him. I was transferred to what I believe was the asset forfeiture division. I was informed that Defendant Shrem had not paid the judgment against him, that no payment plan was in place, and that collection efforts had been turned over to the Internal Revenue Service. As of today, no satisfaction of judgment has been filed, as I understand is customary.

3. Attached hereto as Exhibit A are true and correct copies of screenshots that I captured on September 8, 2018 from the New York Secretary of State showing that Bittrex LLC, Coinbase, Inc., Poloniex, LLC and Xapo, Inc. are all authorized to do business in the State of New York.

I declare under penalty of perjury under the laws of the United States and the State of New York that the foregoing is true and correct to the best of my knowledge.

Executed on September 9, 2018 in Oakland, California.



Sam Ferguson